

Remarks/Arguments

In the Office action, claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by Bernard, II et al. (U.S. patent no. 5,472,309; hereinafter "Bernard, II"). Applicant respectfully asserts that the examiner reads too much into Bernard, II.

The system and method disclosed in Bernard II are directed, in part, to a system and method for logging the receipt of goods into a warehouse. The portions of Bernard II cited by the examiner are directed to that logging in process. In contrast, in the present invention as set forth in amended claim 1 and new claim 8, an inventory is being taken with the handheld device which includes identifying an item which requires restocking and inputting quantity information regarding the quantity of that item to be restocked. The opposite is occurring in Bernard II, as the process is directed to logging in the number of received items. ("In the preferred system, no attempt is made to restock empty containers with the same goods." Bernard, II, Col. 15, lines 31-32). Because in Bernard II the process is a logging in process of received items, there is no "queuing the information and quantity in a restocking device". Accordingly, it is respectfully submitted that independent claims 1 and 8 are in condition for allowance. Also, there is no "generating a restocking package" based on that information as recited in dependent claims 7 and 14. It is believed that claims 7 and 14 are therefore in condition for allowance.

New claims 2 – 7 depend from claim 1 and recite details of the method. New claim 8 is similar to claim 1 but includes additional details, such as, for example, that the shelving has a plurality of bins and that each bin has unique indicia associated therewith. New claims 9 – 14 depend from claim 8. Support for the new claims can be found in paragraphs 40 and 41 of the application as originally filed. No new matter has been added.

The Examiner has not acknowledged the art submitted with the PTO/SB/08A (13 references) and PTO/SB/08B (39 references) submitted at the time the application was filed. Acknowledgement of that art is respectfully requested.

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Reply to Office action of 5 October 2004

Applicant has made a diligent effort to place the instant application in condition for allowance. A Notice of Allowance for claims 1 – 14 is earnestly requested. If the examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the examiner is requested to contact applicant's attorney at the number listed below so that additional changes may be discussed.

Respectfully submitted,



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